

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
BROWNSVILLE DIVISION**ENTERED**

January 31, 2017

David J. Bradley, Clerk

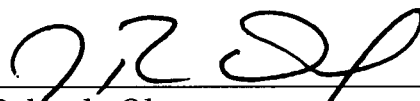
RAFAEL PEDREZ,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.§  
§  
§  
§  
§  
§  
§Civil Action No. 1:16-cv-00216  
(Criminal Action No. 1:12-cr-00004-1)**ORDER ADOPTING MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Before the Court is the "Magistrate Judge's Report and Recommendation" (Docket No. 5) in the above-captioned case. The Magistrate Judge's Report and Recommendation recommends that Rafael Pedrez's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 1) be transferred to the Fifth Circuit for consideration as a successive § 2255 motion. No objections have been filed.

After a de novo review of the file, the "Magistrate Judge's Report and Recommendation" (Docket No. 5) is **ADOPTED**. It is therefore **ORDERED** that Pedrez's "Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody" (Docket No. 1) is **TRANSFERRED** to the Fifth Circuit for consideration.

Signed on this 31 day of January, 2017.
  
 Rolando Olvera  
 United States District Judge